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8 Attorneys for Defendant

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

10 JEFFREY SCOTT ROSE, ) Case No.: 1:14-cv-05044-NJV  
11 Plaintiff, ) ORDER GRANTING  
12 vs. ) **AMENDED STIPULATION FOR THE**  
13 CAROLYN W. COLVIN, Acting ) **AWARD AND PAYMENT OF**  
14 Commissioner of Social Security, ) **ATTORNEY FEES AND EXPENSES**  
15 ) **PURSUANT TO THE EQUAL ACCESS**  
16 ) **TO JUSTICE ACT, 28 U.S.C. § 2412(d),**  
17 ) **AND COSTS UNDER 28 U.S.C. § 1920**  
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25 )  
Defendant. )

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TO THE HONORABLE NANDOR J. VADAS, MAGISTRATE JUDGE OF THE  
DISTRICT COURT:

IT IS HEREBY STIPULATED by and between the parties through their undersigned  
counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees in the amount  
of TWO THOUSAND, EIGHT HUNDRED AND SEVEN DOLLARS AND 26/100 CENTS  
(\$2,807.26) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d) and costs in the  
amount of FOUR HUNDRED DOLLARS (\$400.00) under 28 U.S.C. §1920. This amount  
represents compensation for all legal services rendered on behalf of Plaintiff by counsel in  
connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the

1 matter of Mr. Rose's assignment of EAJA fees to Kenneth J. Collins. The retainer agreement  
2 containing the assignment is attached as Exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529  
3 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset  
4 allowed under the United States Department of the Treasury's Offset Program. After the order for  
5 EAJA fees is entered, the government will determine whether they are subject to any offset.

6 Fees shall be made payable to Jeffrey Rose, but if the Department of the Treasury  
7 determines that Mr. Rose does not owe a federal debt, then the government shall cause the payment  
8 of fees, expenses and costs to be made directly to Mr. Collins, pursuant to the assignment executed  
9 by Mr. Rose. Any payments made shall be delivered to Mr. Collins.

10 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
11 attorney fees, and does not constitute an admission of liability on the part of Defendant under the  
12 EAJA or otherwise. Payment of TWO THOUSAND, EIGHT HUNDRED AND SEVEN  
13 DOLLARS AND 26/100 CENTS (\$2,807.26) in EAJA attorney fees and expenses, and payment of  
14 FOUR HUNDRED DOLLARS (\$400.00) in costs, shall constitute a complete release from, and bar  
15 to, any and all claims that Plaintiff Rose and Plaintiff's Attorney Kenneth J. Collins may have  
16 relating to EAJA attorney fees and expenses in connection with this action.

17 This award is without prejudice to the rights of Plaintiff's Attorney, Kenneth J. Collins to  
18 seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause  
19 provisions of the EAJA.

20 Respectfully submitted,

21

22 Dated: January 29, 2016

/s/ Kenneth J. Collins  
(Per email authorization)  
KENNETH J. COLLINS  
Attorney for Plaintiff

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1 Dated: January 29, 2016

BRIAN J. STRETCH  
Acting United States Attorney

3 DEBORAH STACHEL  
4 Acting Regional Chief Counsel, Region IX  
Social Security Administration

5 /s/ Ellinor Coder  
6 ELLINOR CODER  
7 Special Assistant United States Attorney

8 OF COUNSEL  
9 AMANDA SCHAPEL  
Assistant Regional Counsel  
(as authorized by email)

10 Attorneys for Defendant

11 **ORDER**

12 PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded  
13 attorney fees in the amount of \$2807.26

14 \_\_\_\_\_, as  
15 authorized by 28 U.S.C. 2412(d), and costs in the amount of \$400.00, as  
16 authorized by 28 U.S.C. §1920, subject to the terms of the above-referenced Stipulation.

17 Dated: February 25, 2016

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19 THE HONORABLE NANDOR J. VADAS  
20 United States Magistrate Judge

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